

EXHIBIT "A"

RECEIVED
CENTRAL FAX CENTER

MAR 30 2005

Express Mail No. *EL833230581*
Attorney Docket: *XY Super Cont*

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

In Re the Application of: George Seidel, Lisa Herickhoff, John Schenk

Serial Number: 09/448,643

Filed: November 24, 1999

New Title: Multiple Sexed Embryo Production System for Mammals

Group Art Unit: 1655

Examiner: Myers, C

Assignee: Colorado State University through its agent Colorado State University
Research Foundation and XY, Inc.

AFFIDAVIT UNDER 37 C.F.R. §1.132

UNITED STATES OF AMERICA)
STATE OF COLORADO) ss.
COUNTY OF LARIMER)

I, George Seidel, a resident of LaPorte, in the County of Larimer, and the State of Colorado, duly sworn and under oath, declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

1. I am an employee of the Assignee of the above-referenced patent application, Colorado State University, my title with Colorado State University is Professor.

2. I am a co-author of the reference cited in the United States Patent and Trademark Office communication mailed March 21, 2001 entitled "Uterine Horn Insemination of Heifers With Very Low Numbers of Nonfrozen and Sexed Spermatozoa" authored by G.E. Seidel Jr., C.H. Allen, L.A. Johnson, M.D. Holland, Z. Brink, G.R. Welch, J.K. Graham and M.B. Cartell, published by Theriogenology 48:1255-1264 (1997) (the "Seidel" reference).

3. I am also a co-inventor with respect to the invention recited by claims 124-141 of the above-referenced patent application against which the Seidel referenced is cited.

BEST AVAILABLE COPY

4. The Seidel reference is a published article describing my own work.

5. The contributions made by co-authors C.H. Allen, L.A. Johnson, M.D. Holland, Z. Brink, G.R. Welch, J.K. Graham and M.B. Cartell to the Seidel reference were not also inventive contributors because each of these co-authors conducted their efforts as collaborators under my direction as inventor.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DATED this 20th day of September, 2001.

George Seidel
George Seidel

UNITED STATES OF AMERICA)
STATE OF COLORADO)ss.
COUNTY OF LARIMER)

SUBSCRIBED AND SWORN to before me in the County of Larimer, State of Colorado, United States of America, by George Seidel, this 20th day of September, 2001.

WITNESS my hand and official seal pursuant to the authority vested in me as a Notary Public by the State of Colorado.

Shannon M. Nation-Kammerer
Notary Public
My Commission Expires: 7-15-2003



My Commission Expires 07/15/2003

Facsimile Number 703-872-9306

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

Serial Number: 10/081,955
Filed: February 20, 2002
Applicants: George E. Seidel, Lisa Herickhoff, John Schenk
Title: Multiple Sexed Embryo Production System for Mammals Using Low
Numbers of Spermatozoa
TC/A.U: 1634
Examiner: Carla J. Meyers

Assignee: XY, Inc. and Colorado State University through its agent Colorado
State University Research Foundation
Attorney Docket: XY-Super-Cont2
Customer No. 33549

CERTIFICATE OF FACSIMILE TRANSMISSION

I, Cheryl A. Swanson, hereby certify to the truth of the following items:

1. I am an employee of Santangelo Law Offices, P.C., 125 South Howes, Third Floor, Fort Collins, Colorado 80521.

2. I have this day forwarded the foregoing Associate Power of Attorney; Petition for Extension of Time Under 37 C.F.R. § 1.136(a); Response and Request for Reconsideration Under 37 C.F.R. § 1.111, along with Exhibit A; Letter of Facsimile Transmission; Credit Card Payment Form authorized in the amount of \$1,020.00 for the three-month extension of time fees; and this Certificate of Facsimile Transmission via facsimile number 703-872-9306, addressed to Carla J. Meyers, Group Art Unit 1634.

Dated this 30 day of March, 2005.


Cheryl A. Swanson

BEST AVAILABLE COPY